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SENATE

{ REPORT
No. 91-993

KYUNG AE OH

JUNE 30, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitting the following

REPORT

[To accompany S. 3600]

The Committee on the Judiciary, to which was referred the bill (S. 3600) for the relief of Kyung Ae Oh, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 14-year-old native and citizen of Korea who is an orphan presently residing in an orphanage in Seoul. She was in the United States for 3 months in 1968 as a member of the World Vision Korean Children's Choir. The prospective adoptive parents, citizens of the United States, met the beneficiary while they were traveling in Korea in 1969. Information is to the effect that they are financially able to care for her.

A letter, with attached memorandum, dated May 20, 1970, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 20, 1970.

A-19575360.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3600) for the relief of Kyung Ae Oh, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the 14-year-old beneficiary, who is to be adopted by U.S. citizens, may be classified as a child and be granted immediate relative status. The bill provides that the brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of Korea, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 3600

Information concerning this case was obtained from Mr. and Mrs. Samuel Everett Kramm, the prospective adoptive parents of the beneficiary.

The beneficiary, Kyung Ae Oh, was born November 3, 1955, in Korea and is a citizen of that country. She now lives at an orphanage in Korea. The beneficiary was abandoned at the orphanage at the age of 2 and efforts to locate her parents as well as brothers and sisters have been unsuccessful. She is a member of the World Vision Korean Children's Choir and was in the United States for 3 months during 1968 while that group was presenting a series of concerts throughout the United States.

Mr. and Mrs. Kramm are native born citizens of the United States. They were born January 10, 1926, and December 25, 1938, respectively. They were married on December 22, 1960, and now reside at Rockville, Md., with the two minor children born of their marital union. Mr. Kramm received a bachelor of arts degree in 1952 and his wife received a similar degree in 1959. Mr. Kramm is the owner and operator of a furniture manufacturing firm located at Washington, D.C. He and his wife derive an annual income of \$46,000 from that business that has a value of \$145,000. They have an equity of \$50,000 in real property at Montgomery County, Md., and have personal property valued at \$30,000.

Mr. and Mrs. Kramm intend to adopt the beneficiary through court proceedings as soon as she is admitted to this country. A petition to have the beneficiary classified as an immediate relative child will be filed by Mr. and Mrs. Kramm at Baltimore, Md.

A letter dated May 21, 1970, to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary for Congressional Relations, U.S. Department of State, with reference to the bill reads as follows:

DEPARTMENT OF STATE,
Washington, May 21, 1970.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Kyung Ae Oh, beneficiary of S. 3600, 91st Congress.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Samuel E. Kramm, American citizens. It also provides that the brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The American Embassy at Seoul, Korea has reported that the beneficiary was born on November 3, 1955, at Taegu, Korea. She resides in care of World Vision, Inc., at Seoul, and attends Su Do Middle School. She has no known relatives in Korea. It is understood that Mr. and Mrs. Kramm intend to initiate adoption proceedings after the beneficiary enters the United States. She is registered as a nonpreference applicant with a priority date of December 11, 1969.

The beneficiary's medical examination on May 9, 1970, revealed no diseases, defects or disabilities.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Senator B. Everett Jordan, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., April 28, 1970.

HON. JAMES O. EASTLAND,
Chairman, Subcommittee on Immigration and Naturalization, New
Senate Office Building, Washington, D.C.

DEAR JIM: On March 17, 1970, I introduced S. 3600 on behalf of Mr. and Mrs. Samuel E. Kramm of Rockville, Md.

This bill would provide that a young Korean girl, Kyung Ae Oh, who was 14 years old on November 3, 1969, be considered a child for purposes of her adoption by Mr. and Mrs. Kramm.

I enclose for your subcommittee's information a memorandum prepared by the law firm of Zuckert, Scoutt & Rasenberger which gives information about Mr. and Mrs. Kramm and Miss Oh, as well as about the adoption laws of the State of Maryland.

I enclose also a copy of Mr. Kramm's March 12 letter to me along with seven letters from responsible citizens which will serve as character references for Mr. and Mrs. Kramm.

If you should require any additional information, it would be a pleasure to obtain it for you because I hope very much that your subcommittee will be able to take favorable action on this bill at an early date.

With all best regards,

Sincerely,

B. EVERETT JORDAN.

MEMORANDUM

Re the adoption of Kyung Ae Oh under the laws of Maryland by Mr. and Mrs. Samuel E. Kramm.

Introduction

Mr. and Mrs. Samuel E. Kramm of Rockville, Md. are seeking to adopt Kyung Ae Oh, a 14-year-old Korean girl. Miss Oh is an orphan and was raised at World Vision International Child Care Centers in Taegu and Seoul, Korea. World Vision is an international Christian relief movement. As a member of the World Vision Choir, she has traveled widely throughout the United States, Canada, Europe, and Asia. She is an extremely bright, personable, and talented young girl.

In recent years, the Kramms have supported and participated in the work of World Vision and similar organizations. In connection with their interest in World Vision, the Kramms, this past year visited in the Republic of Korea where World Vision has been particularly active. While there, Mr. Kramm was tremendously moved by a number of people he met and the possibilities for economic growth in that country. As a token of his faith, he is planning to establish a furniture factory in Korea with the primary intention of contributing to the development of the country, by providing on-the-job training for Korean youth.

But the Kramms' fondest memories of Korea derive from their acquaintance with Miss Kyung Ae Oh. They literally fell in love with her, and knowing she was an orphan, they determined to investigate the possibility of bringing her to the United States and adopting her as their own child.

To an exceptional degree, the Kramms would offer the child a comfortable home and a warm family relationship. The Kramms have two daughters of their own, 5½ and 7½ years of age. They have recently completed procedures to adopt a 3½-year-old Korean girl, having received the full approval of the State of Maryland, Montgomery County, and Luthern Social Services, the adoption agency involved. Moreover, both the child and the Kramms share a longstanding interest in, and dedication to, the work of the World Vision movement.

The Kramms could well afford to support the child in their home. Mr. Kramm is president and owner of three of the leading high quality furniture stores in the Washington area, and also is the owner of SEK Properties, a real estate investment firm. He derives a comfortable income from his business interests.

A private bill, S. 3600 (91st Cong., second sess.) was introduced on March 14, 1970, by Senator Jordan of North Carolina to allow Kyung Ae Oh to be admitted to the United States on the same basis as a child

of under 14 years, although she is 14 at the present time. Upon her admittance to this country, the Kramms plan to adopt the child under the laws of Maryland.

The Maryland adoption law

The policy the Legislature of Maryland has sought to implement in the adoption law¹ is basically one of avoiding (a) unnecessary separation of the child from the natural parents, and (b) adoption of children by unfit persons.² Of course, in the present situation inasmuch as the child is an orphan and the Kramms are undoubtedly fit parents, neither of these questions come into issue.

In passing upon the merits of a petition for adoption, the statute specifically provides that the court may consider the religious background, training, and beliefs of the child's natural parents, adopting parents, and the child.³ The child has no natural parents, but her religious beliefs and those of her adopting parents are both firmly rooted in the principles of the evangelical Christian movement which brought them together.

There are virtually no restrictions upon who may adopt a child in Maryland except that the prospective parent must be over 21 and competent. Married couples must adopt jointly.⁴ Any person, regardless of age, may be adopted.⁵ Insofar as consent must accompany a petition for adoption, the following consents might be required in the present case:

- (a) From the child since she is above age 10, and
- (b) From the child's legal guardian if parental rights with the right of consent as provided for in section 72 of article 16 have been transferred by court action to such guardian; or
- (c) From the executive director of any public or private child care center or child placement institution.⁶

Consent may be revoked any time before a final decree is entered, and the court may grant adoption without consent upon a finding that such consent is being withheld contrary to the best interest of the child.⁷ The Kramms have been assured that the required consents will be given by the girl and Rev. Marlin Nelson, Director of the World Vision Child Care Center in Seoul.

In order to be adopted under Maryland law, the child must be physically present in Maryland. Obviously, once the child is admitted to this country, she would reside with her sponsors, the Kramms in Maryland. The Circuit Court of Montgomery County, sitting in equity would have jurisdiction over the adoption proceeding.⁸

The petition for adoption would have to be signed and verified by the petitioners and contain the following information:

- (1) The names, address, ages, and business of both petitioners; and spouse.
- (2) The name, sex, date, and place of birth of the person to be adopted and the names, residence, and age of the child's parents.

¹ Maryland Code Annotated, 1966, as amended, art. 16, sec. 67 et seq. (hereinafter citations are to the article and section of the Maryland code).

² Art. 16, sec. 67 (a).

³ Art. 16, sec. 67 (b).

⁴ Art. 16, sec. 70.

⁵ Art. 16, sec. 71.

⁶ Art. 16, sec. 74.

⁷ Art. 16, sec. 74.

⁸ Art. 16, sec. 68.

(3) The name, age, and address of any children of both petitioners and the relationship, if any, to the child to be adopted.

(4) The race and religious affiliation of the petitioners, the child, and the child's parents; and

(5) If the child is an infant, the names and addresses of persons having custody or control of the child since birth.⁹

Upon the filing of the foregoing petition, the Court would normally enter a show cause order unless all parties entitled to be served with the document have joined in the petition.¹⁰ The proceeding may be preceded by a petition for investigation and order of guardianship with a right to consent to adoption, the effect of which is to terminate natural parental rights and give the person so appointed a voice in the adoption.¹¹

The effect of an adoption in Maryland is to put the adopted child, for all intents and purposes, in the identical position with a natural child of the petitioners. The adopted child is entitled to all the privileges and subject to all of the obligations of a natural child born in wedlock to the petitioners. On the other hand, if the natural parents of the child are living, they would be relieved of all legal duties and obligations due from them to the child who was adopted, and divested of all rights of inheritance, or support from the child after an interlocutory decree of adoption.¹²

Conclusion

Under Maryland law, there appears to be no foreseeable problem regarding the adoption of Kyung Ae Oh by Mr. and Mrs. Samuel Kramm. Since the child is an orphan, the consent of all parties entitled to be represented in an adoption proceeding would seem to be assured. The child and the Kramms share the same religious beliefs, and there appears to be no ground exists upon which the Kramms fitness as parents would be challenged. Thus, the proposed adoption of the child by the Kramms, insofar as the legal questions under Maryland law attending this matter are concerned, should be a relatively straightforward procedure.

Respectfully submitted,

ZUCKERT, SCOUTT & RASENBERGER,
By: MICHAEL R. PERLE,
Counsel for Mr. and Mrs. Samuel E. Kramm.

ROCKVILLE, MD., March 12, 1970.

Senator B. EVERETT JORDAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: In regard to our very recent telephone conversation concerning our need for a "special bill" to permit us to adopt the Korean orphan girl who is presently singing in the Korean Children's Choir. Permit me to review a few essential facts. The girl, who is now 14 years old (birthdate November 3, 1955) is beyond the age for adoption by our family, without a "special bill." This very talented young girl is presiding in Seoul, Korea, in the World Vision Music Center at this time. We met her while we were traveling with

⁹ Maryland Rules of Practice, D71-D72.

¹⁰ Maryland Rules of Practice, D77.

¹¹ Art. 16, sec. 72.

¹² Art. 16, sec. 78; art. 93, secs. 1-205, 1-207.

the Phil Jordans and the Dick Haversons last year. Since that time we have investigated every possible avenue for bringing her to the United States to join our family. She was abandoned in or near Taegu, Korea and spent her first 7 years in a World Vision Orphanage there. She was then selected to join the choir and has spent the last 7 years in choir service.

Congressman John Hunt (of New Jersey) and Congressman Gilbert Gude (of our own district in Maryland) are both aware of our desire. Both have offered their assistance if it would benefit our pursuit. We have permission to enter Oh, Kyung Ae (Identification No. 177-018) in the Montgomery County schools as a student, but have found that since it is our desire to adopt this child, "student status" is not permissible under immigration laws. However, they (I.N.S.) did indicate that they would be able to grant her immediate entrance with the "special bill" which we now seek.

Since time of essence in her training, vocally, and also in giving her as much time as possible to be part of a family unit, we sincerely approach you at this time trusting that you can help us with this very crucial matter. We shall of course be eager to supply you with any information which you need concerning Oh, Kyung Ae or ourselves, that we can proceed as soon as possible. We might mention here, that we have two of our own children and will very soon have one adopted child (also of Korean origin) whose age is 3½ years. We have no other children in process for adoption.

May God richly bless you and guide your thinking in these matters.

Sincerely,

SAMUEL E. KRAMM.

WASHINGTON, D.C., April 24, 1970.

HON. B. EVERETT JORDAN,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR: This is in reference to our good friends, Mr. and Mrs. Samuel E. Kramm.

It has been my privilege to know this family for several years, the past two rather intimately.

Mr. and Mrs. Kramm both have been very active in community and church affairs, both being leaders of various civic-oriented groups.

For the last 2 years Mrs. Kramm has been president of the Christian Women's Club of Silver Spring, Md., and continues very active with that and similar worthy movements.

Mr. Samuel Kramm has been involved with us in the prayer break-fast movement, and has recently assumed responsibility as chairman of the Asian and Far Eastern group here in Washington.

I am very happy to give these wonderful people my highest commendation and trust that you will be successful in securing for them the right to adopt the young Korean orphan girl to whom they had open their home.

Sincerely,

REV. CLIFTON J. ROBINSON.

BETHESDA, MD., *April 23, 1970.*

HON. B. EVERETT JORDAN,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR JORDAN: This letter is written as a reference for Mr. and Mrs. Samuel E. Kramm, who are planning the adoption of the Korean girl, Oh Kyung Ae. I understand you have introduced a bill to facilitate this adoption.

The Kramms—Sam and Kay—have been personal friends for a number of years, and I can think of no finer couple to recommend as adoptive parents. Integrity is the hallmark of their personal and public life.

Mr. Kramm is a successful young businessman who is the proprietor of the Wood Shops in Washington, D.C., and Silver Spring, Md. While it is important that the Kramms have the material resources to assume the obligations inherent in adoption, of more importance is the kind of home offered this young Korean girl. The Kramms are a fine Christian couple with a home that is filled with the love, warmth, and understanding essential to rearing this girl in the finest American tradition.

A word about Oh Kyung Ae. Last fall, I was with the Kramms in Seoul, Korea, when we first met her. She is an intelligent, charming, and exceptionally talented girl. I am convinced she will make a fine American citizen and be a credit to our country.

In view of the foregoing, it is an honor to recommend the Kramms to you and express the hope that the legislation will be promptly enacted.

With kindest personal regards, I am
Very sincerely,

PHIL W. JORDAN.

FOURTH PRESBYTERIAN CHURCH,
Washington, D.C., April 23, 1970.

HON. B. EVERETT JORDAN,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR JORDAN: I understand you are working on a bill which will make it possible for Mr. and Mrs. Samuel Kramm to adopt a Korean girl.

I have known the Kramms intimately for some time and respect them as a dedicated Christian family. Incidentally, they traveled around the world with Mrs. Halverson and me last fall and were with us in India for the leadership conference there.

They are both former teachers. Mr. Kramm was an athletic director and for some years has been directing a very thriving business which he started.

They are active in Fourth Presbyterian Church and in Christian leadership work, and will be representing us at the Presidential Prayer Breakfast in Korea on May 1.

Thank you for your kind consideration of their situation.

Sincerely,

REV. RICHARD C. HALVERSON.

AMERICAN BOARD OF MISSIONS TO THE JEWS, INC.
New York, N.Y., April 21, 1970.

Hon. B. EVERETT JORDAN,
*U.S. Senate,
 Washington, D.C.*

DEAR MR. JORDAN: It is a pleasure to speak in behalf of Mr. and Mrs. Samuel Kramm, of Rockville, Md.

We have known Sam and Kaye for 4 years and can vouch for their stability as citizens and strength as to their spiritual convictions. It was our daughter's privilege to live with the Kramm family for about 18 months, hence we speak from personal experience.

It is our consensus that Sam and Kaye are eminently qualified to be the parents of the Korean children they wish to adopt. Their own daughters are happy, well-adjusted children. The addition of two "daughters" from another country and culture will add a new dimension to their family experience and be most rewarding for the Korean children. They will be the recipients of plenty of love and a well-balanced rearing in that home.

Sincerely yours,

ROBERT and ALTHEA MILLER,
Board of Directors.

VANTAGE INTERNATIONAL, INC.,
Washington, D.C., April 25, 1970.

To Whom It May Concern:

When my friend, Mr. Sam E. Kramm, asked me to write a letter of recommendation for him to use in conjunction with his adoption proceedings, I was both honored and pleased. Both Sam and Kay Kramm, in my opinion, are extremely well suited to serve as adoptive parents for the two Korean girls they plan to adopt.

Sam Kramm is both a deeply committed Christian gentleman and an extremely successful businessman. He has provided his family with all the material necessities of life as well as the solidarity and love that knit families closely together. His woodworking, cabinetry and furniture business has grown from an idea to a thriving enterprise through the hard work and guidance Mr. Kramm has provided.

Any visitor to the Kramm family home immediately sees the warmth and gracious living which Kay Kramm oversees and has developed. The Kramm home is spacious and beautifully appointed with more than enough room for the two new additions that will soon join the family circle. I'm certain that Mrs. Kramm will be able to provide the same love and parental guidance for her new daughters as she has for Kerry and Kathy.

In the space of this letter, I cannot endorse the Kramms highly enough as adoptive parents. I can see only mutual love and respect resulting from this "two-way" adoption. Please feel free to contact me by phone or letter if I can in any way assist the Kramms in their adoption efforts.

My wife joins me in this endorsement of the Kramms. As we have been blessed with two Korean-American children, I think we can say first hand how much joy can result from adoptions such as the Kramms are undertaking. I know that these additions to their family will en-

rich and fulfill their family as much as our Steven and Kimberly have ours.

Sincerely,

RICHARD R. BROWN, JR.
President.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3600) should be enacted.

C



